

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 6204 of 1999

to

FIRST APPEAL No 6227 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

SPL.LAQ OFFICER

Versus

PATEL KACHARABHAI JOITABHAI

Appearance:

MR KG SHETH Ld. AGP for Petitioners

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 24/07/2000

ORAL JUDGEMENT

All these first appeals arise from the impugned
judgment and order dated 22.2.99 in Land Reference Cases
no. 182/91 to 205/91 passed by the learned Assistant

Judge, Sabarkantha, at Himatnagar. The said reference cases arose from the award passed by the concerned Land Acquisition Officer.

It would appear that the lands in question came to be acquired as per notification under sec. 4 of the Land Acquisition Act, issued on 8.7.1990. The trial court appears to have relied upon the judgment and order rendered in earlier Land Reference Case being Land Reference Case No. 146/86. The same was produced at ex. 21. The matter was taken before this Court in appeal. As per the copy of the decision ex. 22, the trial court's order was confirmed, so far as the irrigated lands and non-irrigated lands were concerned. Now the comparison of the lands in question is made by making reference to the fact that the lands in both the matters have been situated in village Jadar and the purpose for which the lands under ex. 21 and the lands in question were acquired remained same. The only difference was that the acquisition in the earlier case was earlier by around six years inasmuch as the notification in the earlier case was published in January, 1984, whereas the notification in question was published in April, 1990. Adequate increase in market price/value of the lands in question on account of passage of six years has been granted by the trial court. In doing so, the learned trial judge has relied upon the decision rendered by this court. Bearing in mind the facts and circumstances of the case, no useful purpose will be served in entertaining these appeals. Hence, all these First Appeals are dismissed.

(M.S. PARIKH, J.)

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